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84-695

SUPREME COURT, U.S.
FILED
AUG 11 1984
ALEXANDER L. STEVAS
CLERK

NO.

In the Supreme Court
OF THE
United States

No. A-21

GWENDOLYN L. KING, for herself, and on behalf of all others similarly situated; GWENDOLYN L. KING, individual,
Petitioner(s)/Appellant(s)

v.

Hon. MANUEL REAL, LEONARD BROSNAN, Clerk, USDC, Central District of California; Hon. BARRY RUSSELL, Hon. PETER ELLIOTT, JACK WAGNER, Clerk, USBC, Central District of California,
Respondents/Appellees

INTEGRITY HOME LOAN CO., INC., LONNIE KAPLAN, SIMA KAPLAN as alleged Beneficiaries under Trust Deed No.81-1214615, etc.
Real Parties in Interest/Appellees

ON APPEAL FROM THE NINTH CIRCUIT

JURISDICTIONAL STATEMENT

Gwendolyn L. King, In Pro Se
1509 North Main Street, Suite B118
Santa Ana, California 92701
Petitioner(s)/Appellant(s)

August 7, 1984

JURISDICTIONAL STATEMENT

ISSUES PRESENTED FOR REVIEW

1. Whether or not, on or about December 27, 1982, Respondent/Appellee, the Hon. MANUEL REAL, Judge of the United States District Court for the Central District of California ("Judge REAL") ("USDC"), had jurisdiction, power, authority, under the United States Constitution to "deputize" Article I Bankruptcy Judges to continue to act as Article III Judges under the Bankruptcy Reform Act of 1978 contra to the Northern Pipe Line Co. v. Marathon (1982) 102 S Ct 2858 Decision.

2. Whether or not, on or about December 27, 1982, Respondent/Appellee, the Hon. BARRY RUSSELL, Article I Bankruptcy Judge

of the United States Bankruptcy Court for the Central District of California ("Judge RUSSELL") ("USBC"), had jurisdiction, power, authority, under the United States Constitution to dismiss Petitioner/Appellant GWENDOLYN L. KING's ("Appellant") Cross-Complaint for violation of civil rights, 42 USC 1981, 42 USC 1982, 42 USC 1983, 42 USC 1985, 28 USC 1343, Slander of Title, Conspiracy to Slander Title, against, inter alios, Real Parties in Interest/Appellees, INTEGRITY HOME LOAN CO., INC., LONNIE KAPLAN, SIMA KAPLAN as alleged Beneficiaries under Trust Deed No.81-1214615 recorded in Los Angeles County December 10, 1981 with defunct R & T FINANCIAL SERVIC-

ING CO., INC. [suspended 12-1-81 as a "California Corporation"] Trustee in Foreclosure, to refuse to transfer Appellant's Cross-Complaint, at her express written request, to the USDC for a jury trial in USBC Case No.LAX82-43130BR ("INTEGRITY, INC.") ("the KAPLANS") ("R & T CO., INC.").

3. Whether or not, on or about December 27, 1982, before Judge RUSSELL, there was a "trial" in USBC Case No.LAX82-43130BR wherein no witnesses nor Plaintiffs INTEGRITY, INC., the KAPLANS, nor their Attorney of Record, CAPRICE L. COLLINS, ESQ. were present in Court, nor was any evidence offered in open Court--in fact only Judge RUSSELL and Appellant were present

and Appellant stated that she did not owe either INTEGRITY, INC. or the KAPLANS any amount under Trust Deed No.81-1214615, above described, because on November 17, 1981, she signed the Trust Deed in blank, and signed no Promissory Note because she received no money on November 17, 1981, and on December 7, 1981 she received some $10,000.00 not the some $32,000.00 listed on Trust Deed No.81-1214615 and did not sign a Promissory Note in favor of INTEGRITY, INC., or the KAPLANS-- and if Judge RUSSELL did not have jurisdiction, power, authority, under the above described facts and circumstances, whether or not the Order in USBC Case No.LAX82-43130BR, dated December 29, 1982,/s/Barry Russell, is

void and unenforceable.

4. Whether or not, on or about October 25, 1983, Respondent/Appellee, the Hon. PETER ELLIOTT, Article I Bankruptcy Judge of the USBC for the Central District of California ("Judge ELLIOTT")("USBC"), had jurisdiction, power, authority, in July 11, 1983 closed 11 USC CHAPTER 7 USBC Case No.SA83-2194PE to enter a Default Judgment based on the above described USBC Case No. LAX82-43130BR, dated December 29, 1982,/s/ Barry Russell, pending USDC Case No.CV83-5901R, involving the same parties, Appellant, INTEGRITY, INC., the KAPLANS, the same subject property, 4401 Don Diablo Dr., Los Angeles, California 90008, the same issues of ownership, Title, possession,--

and if Judge ELLIOTT did not have jurisdiction, power, authority, under the above described facts and circumstances, whether or not the Order in USBC Case No. SA83-2194PE, dated October 25, 1983,/s/ Peter Elliott, is void and unenforceable.

5. Whether or not, on February 6, 1984, pending the PETITION FOR WRIT OF CERTIORARI/MANDAMUS/PROHIBITION in United States Court of Appeals for the Ninth Circuit ("USCA, 9th") Case No.84-7097, served on Respondent/Appellee Judge REAL, the United States Attorney, the Attorney-General of the United States, CAPRICE L. COLLINS, ESQ., Attorney of Record for the KAPLANS, on February 5, 1984, Judge REAL had jurisdiction, under the United States Constitu-

tion, to dismiss the Appellees the KAPLANS from USDC Case No.CV83-5901R and/or to purportedly close a multi-party, CLASS ACTION, Case, for alleged "Non-appearance" of Petitioner/Appellant on February 6, 1984--and if Judge REAL did not have jurisdiction, under the above described facts and circumstances, whether or not the Order in USDC Case No.CV83-5901R, filed February 6, 1984, dated February 27, 1984, entered February 28, 1984, /s/Manuel Real, is void and unenforceable.

6. Whether or not LEONARD BROSNAN, Clerk of the USDC Central District of California ("Clerk BROSNAN") and/or JACK WAGNER, Clerk of the USBC Central District of California ("Clerk WAGNER") had or have

jurisdiction, power, authority, under the United States Constitution to close out multi-party and/or CLASS ACTION Cases and/or any Case whatsoever by "JS5" or "JS6" Memos or Notation on the Docket Sheet or on Order Dismissing Complaint as to particular Defendants, without a Final Judicial Order pursuant to Rule 54(b), Federal Rules of Civil Procedure--and if Clerk BROSNAN and/or his Deputy Clerks and/or Clerk WAGNER and/or his Deputy Clerks do not have such jurisdiction, power, authority under the above facts and circumstances, does such above described action by them amount to performance of a judicial function, purportedly under Rule 54 (b), Federal Rules of Civil Procedure,

expressly forbidden by the Congress of the United States--or does such above described action by Clerk BROSNAN,etc. and/or Clerk WAGNER,etc. amount to prior restraint of free speech or censorship forbidden by the First Amendment to the United States Constitution.

7. Whether or not, under the above described facts and circumstances, Appellant(s), each of them and all of them in USDC Case No.CV83-5901R, are entitled to a Preliminary and Permanent Injunction against December 1, 1981 suspended "California Corporation" R & T CO., INC. Trustee in Foreclosure, INTEGRITY, INC., the KAPLANS, and a Declaratory Judgment pursuant to 28 USC 2201, 28 USC 2202, that

their purported Trust Deed Sales since December 1, 1981 by suspended "California Corporation" R & T CO., INC. of Appellant(s) homes and land are null and void--and no Title, interest, right, in Appellant(s) homes and land was conveyed to said suspended "California Corporation" R & T CO., INC. from December 1, 1981, and/or from December 1, 1981, pursuant to California Bank & Corporation Tax Law, Revenue and Taxation Code, Sections 23302, 23571, suspended "California Corporation" R & T CO., INC. Trustee in Foreclosure had no right, privilege, power to conduct any intrastate business, especially to conduct Foreclosure Trust Deed Sales on Appellant(s) homes and land, any of Appellants. 1/Fn.

1/ Other parties affected in Case No. A21 herein are those in USCA, 9th Case No.84-6427: STATE OF CALIFORNIA, JOHN K. VAN DE KAMP, Attorney-General of the State of California, INTEGRITY HOME LOAN CO., INC., LONNIE KAPLAN, SIMA KAPLAN as alleged Beneficiaries under Trust Deed No.81-1214615,etc.

Other parties affected in the companion Case No.A20 whose Judgment is sought to be reviewed in Los Angeles Municipal Court Case No.A65170, Court of Appeal of the State of California, Second Appellate District, Division One, Case No.B004133, the Supreme Court of the State of California, Case No.B004133, are the Hon. CLARENCE STROMWALL, the MUNICIPAL COURT OF LOS ANGELES COUNTY, STATE OF CALIFORNIA, LONNIE KAPLAN, SIMA KAPLAN as alleged Beneficiaries under Trust Deed No.81-1214615,etc., Commissioner JOHN D. HARRIS in LAMC Case No.A65170.

Other parties affected by the Judgment sought to be reviewed herein are the presently unknown Judge of the Los Angeles Municipal Court, County of Los Angeles,#82, State of California, on September 24, 1984 re: LONNIE KAPLAN, SIMA KAPLAN's 9/1/84 Citizen's Arrest of GWENDOLYN L. KING at 4401 Don Diablo Drive, Los Angeles, California 90008, Appellant's permanent residence, for alleged violation of California Penal Code, Section 419--REPOSSESSION OF LAND AFTER REMOVAL BY LEGAL PROCESS (4/19/84).

Other parties affected by the Judgment sought to be reviewed herein are the Hon. RALPH G. PAGTER, Bankruptcy Consultant Judge in the United States Bankruptcy Court for the Central District of California, Case No.SA84-01312PE, Reference No.M-4-768PE, Order of April 6, 1984, and Hon.R.M. Tagasughi, Judge of the United States District Court for the Central District of California's Order dismissing Appeal from the Order of April 6, 1984 entered on or about August 12, 1984.

2/Fn. Reprinted as to proper size print in Appendices, and 6 1/8 x 9 1/4 measurement per letter of instruction from ALEXANDER STEVAS, Clerk of the Supreme Court of the United States, dated October 5, 1984,/s/ Edward C. Schade, Assistant Clerk. [Enclosure]

TABLE OF CONTENTS

JURISDICTIONAL STATEMENT

ISSUES PRESENTED FOR REVIEW..... -i-

TABLE OF AUTHORITIES..... -xiv-

OPINIONS & ACTIONS BELOW..... 4

JURISDICTION OF U.S. SUPREME COURT.....56

CONSTITUTIONAL & STATUTORY PROVISIONS..57

STATEMENT OF THE CASE.....58

SUBSTANTIAL FEDERAL QUESTIONS.....62

CONCLUSION.....65

APPENDICES

CERTIFICATE OF SERVICE
attached

oOo

TABLE OF AUTHORITIES

CASES PAGE

Ascuncion v. Superior Court (1980)
108 C.A. 3d 141.....31,58,59,63
Faretta v. California (1974)
354 U.S. 521.....58
Hall v. Beals (1969)
396 U.S. 45.....62
Kramer v. Union Free Sch. Dist.(1969)
395 U.S. 621,627.....62
Lindsey v. Normet (1972)
405 U.S. 56.....62
Northern Pipeline Const. Co.
v. Marathon Pipe Line Co.(1982)
102 S Ct 2858....4,5,7,21,24,58,63
Potter v. McCall (CA9 1970)
433 F 2d 1087.....58
Sniadach v. Family Finance Corp (1969)
398 U.S. 337.....63
Sosa v. Fite (CA5 1974)
498 F 2d 114.....14,59
United Mineworkers v. Gibbs (1966)
383 U.S. 715.....17

FEDERAL STATUTES

11 USC CHAPTER 7-10,11,21,22,25,44
11 USC CHAPTER 13.....6,7,8,9
11 USC 362.....7

15 USC 1601 et seq(TILA, Reg Z,
12 CFR 226)...14,17,18,40,59,63,64
15 USC 1635(a)&(b) 14,18,20,40,59

FEDERAL STATUTES PAGE

18 USC 152.....10,20,64

28 USC 1252.....3,55,56
28 USC 1253.....3,56
28 USC 1254(2).....3,56

28 USC 1343.....17,40,59

28 USC 1655.....44

28 USC 2201.....18,40,59,64
28 USC 2202.....18,40,59,64

42 USC 1981.....17,40,59,64
42 USC 1982.....17,40,59,64
42 USC 1983.....6,17,40,59,64
42 USC 1985.....6,17,40,59,64
42 USC 1988.....40

FEDERAL RULES OF CIVIL PROCEDURE

Rule 6(e).....34,41,42,57
Rule 12(b)(6)...26,27,28,34,35,37,38,40
Rule 23(e).....57
Rule 23(b)(1)(A).....17
Rule 23(b)(1)(B).....17
Rule 23(b)(2).....17
Rule 23(b)(3).....17

Rule 54(b).....26,30,44,48,57,65
Rule 60(b).....43,57,65

Local Rule USDC-Central California

Rule 7.6.....34,41,42,57

UNITED STATES CONSTITUTION PAGE

Article I.....4,6,24,29,57,64
Article III.....5,6,57
Article VI.....5,6,40,56,57,64,65

First Amendment.....57,63,65
Fifth Amendment.....57,63,65
Sixth Amendment.....57,63,64,65
Seventh Amendment.....57,63,65
Fourteenth Amendment.....57,63,64,65

CALIFORNIA STATUTES

California Civil Code
Section 803.....16

California Code of Civil Procedure
Section 418.10.....31,32,51,52
Section 1161a.....50
Section 2924 et seq.....4

California Bank & Corporation Law
Revenue & Taxation Code
Section 23302.....4,59,63
Section 23571.....4,59,63

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NO.

In the Supreme Court

OF THE

United States

October Term, 1984

No.A21

GWENDOLYN L. KING, for herself, and on behalf of all others similarly situated; GWENDOLYN L. KING, individual,
Petitioner(s)/Appellant(s)

v.

Hon. MANUEL REAL, LEONARD BROSNAN,Clerk, United States District Court [USDC] for the Central District of California; Hon. BARRY RUSSELL, Hon. PETER ELLIOTT, JACK WAGNER,Clerk, United States Bankruptcy Court [USBC] for the Central District of California,
Respondents/Appellees

INTEGRITY HOME LOAN CO., INC., LONNIE LONNIE KAPLAN, SIMA KAPLAN as alleged Beneficiaries under Trust Deed No.81-1214615 recorded in Los Angeles County December 10, 1981 with defunct R & T FINANCIAL SERVICING CO., INC. [suspended 12-1-81 as a "California Corporation"] Trustee in Foreclosure,
Real Parties in Interest/Appellees

ON APPEAL FROM THE NINTH CIRCUIT

CASE NO. 84-7097

JURISDICTIONAL STATEMENT

GWENDOLYN L. KING, for herself, and on behalf of all others similarly situated; GWENDOLYN L. KING, individual, Petitioner(s)/ Appellant(s) ("Appellant" or "Appellant(s)"), In Pro Se herein, pursuant to Rules 12.3, 15, 28.2, of the Rules of the Supreme Court of the United States, file this Jurisdictional Statement wherein it is contended that this Court has Jurisdiction on direct Appeal from a final Order entered on April 10, 1984 in the United States Court of Appeals for the Ninth Circuit, Case No.84-7097, denying Appellant(s) PETITION FOR WRIT OF CERTIORARI/ MANDAMUS/PROHIBITION directed to Respond-

ents/Appellees, the Hon. MANUEL REAL, Judge LEONARD BROSNAN, Clerk, of the United States District Court for the Central District of California, Case No.CV83-5901R; directed to Respondents/Appellees, the Hon. BARRY RUSSELL, the Hon. PETER ELLIOTT, Bankruptcy Consultant Judges, JACK WAGNER, Clerk, of the United States Bankruptcy Court for the Central District of California, Case No.LAX82-43130BR, Case No.SA83-2194PE, respectively, and it is contended herein that this Supreme Court of the United States should exercise its jurisdiction under 28 USC 1252, 1253, 1254(2).

The Real Parties in Interest/Appellees herein are INTEGRITY HOME LOAN CO., INC., LONNIE KAPLAN, SIMA KAPLAN as alleged Beneficiaries under Trust Deed No.81-1214615 rec-

orded in Los Angeles County December 10, 1981 with defunct R & T FINANCIAL SERVICING CO., INC. [suspended 12-1-81 as a "California Corporation"] Trustee in Foreclosure, all of whom Appellant(s) claim have no right, power, authority, to purportedly sell their homes and land under California Code of Civil Procedure, Section 2924 et seq by virtue of said corporate suspension, pursuant to California Bank & Corporation Tax Law, Revenue & Taxation Code, Sections 23302, 23571.

OPINIONS AND ACTIONS BELOW

On or about December 25, 1982, the Decision in Northern Pipeline Construction Co. v. Marathon Pipe Line Co., 102 S Ct 2858 (1982) that the Bankruptcy Reform Act's broad grant of jurisdiction to Article I Bankruptcy Judges "of

all civil proceedings arising under Title 11 or arising in or related to cases under Title 11" was an unconstitutional violation of Article III of the United States Constitution--became a final Decision and the Law of the Land under Article VI, the Supremacy Clause of the United States Constitution.

On or about December 27, 1982, after the above final Decision of Northern Pipeline, supra, Appellee, the Hon. MANUEL REAL, Chief Judge of Respondent USDC "deputized" Respondent USBC Article I Bankruptcy Judges to continue to act as Article III Judges under the violative broad grant of jurisdiction of the above described Bankruptcy Reform Act, and said Respondents/Appellees continue to

act as Article III Judges purporting to render final Judgments with res judicata effect, contrary to Article VI of the United States Constitution.

On or about December 27, 1982, Respondent/Appellee, the Hon. BARRY RUSSELL, Article I Bankruptcy Consultant Judge, declared that he had jurisdiction in Bankruptcy Adversary Case No.LAX82-43130BR, without requested issuance of Summons from Respondent/Appellee, Clerk JACK WAGNER, to dismiss Appellant's Cross-Complaint for violations of Civil Rights under 42 USC 1983, 1985, Slander of Title, Conspiracy to Slander Title inter alia, Demand for Jury Trial, Request for Transfer to the United States District Court for Discovery and Trial, against the

Real Parties in Interest/Appellees herein, INTEGRITY HOME LOAN CO., INC., LONNIE KAPLAN, SIMA KAPLAN as alleged Beneficiaries under Trust Deed No.81-1214615, etc, above described, over Appellant's objection and reference to his lack of jurisdiction pursuant to Northern Pipeline, supra.

On or about December 27, 1982, in the above described Adversary Case No.LAX82-43130BR entitled Integrity Home Loan Co.,Inc., Lonnie Kaplan, Sima Kaplan v. Gwendolyn L. King aka Gwendolyn L. Greene aka Gwen Greene, for Order Granting Leave to Foreclose & Relief from Automatic Stay under 11 USC 362, no witnesses appeared for the Plaintiffs, the Plaintiffs themselves did not appear, the Attorney of Record, CAPRICE L. COLLINS, ESQ. did not

appear, in fact she was out of the USA, no evidence was introduced in open Court, Appellant was not sworn as a witness, yet Judge RUSSELL purported to issue as final and res judicata, by Order dated December 29, 1982, entered January 6, 1983, the following:

> "Trial on Plaintiff's [INTEGRITY HOME LOAN CO., INC., LONNIE KAPLAN, SIMA KAPLAN] Request for Relief from Automatic Stay came on regularly on December 27, 1982 at 9:00 a.m. Courtroom "A" of the above-entitled Court [United States Bankruptcy Court for the Central District of California, 312 North Spring Street, Los Angeles, California 90012]. Plaintiff was represented by its counsel, Caprice L. Collins. Defendants/Debtors were represented. The Court having considered the evidence, court record and oral argument advanced, made its order as follows:
>
> (1) That Plaintiff is permitted to perfect foreclosure on the subject property generally described as 4401 Don Diablo Drive, Los Angeles, California 90008;and

(2) That all restraining orders and automatic stays with respect to this proceeding [11 USC CHAPTER 13] and to any subsequent Chapter proceedings which involve the subject property and the defendant(s) herein and/or their assignees or successor(s) in interest are hereby vacated, extinguished and terminated.

DATED: December 29, 1982
/s/Barry Russell,
U.S. Bankruptcy Judge." [EMPHASIS ADDED]

A copy of said Order dated December 29, 1982,/s/Barry Russell appears in the APPENDICES hereto, as page 1-A, and as EXHIBIT "A" of the JURISDICTIONAL EXHIBITS.

On or about January 10, 1983, Appellant had served and filed a Notice of Appeal from the above described December 29, 1982 Order of Judge RUSSELL to the USCA, 9th, but was never informed of the disposition of said Appeal until about March, 1983 when Clerk WAGNER, without explanation

returned to Appellant the original filed Notice of Appeal purporting to "unfile" the same so that no record appears of Appellant's Notice of Appeal in USBC Case No. LAX82-43130BR.

On or about March 28, 1983, Appellant filed a Voluntary Petition for Bankruptcy under 11 USC CHAPTER 7, USBC Case No.SA83-01703PE wherein the Real Parties INTEGRITY HOME LOAN CO., INC., LONNIE KAPLAN, SIMA KAPLAN filed no Proof of Claim under 18 USC 152, nor was any Claim allowed, and filed no objection to Appellant's Discharge of all dischargeable debts, and Appellant disputed therein 11 USC CHAPTER 7 that she owed them any amount or at all.

On July 11, 1983, immediately before

Appellant's Discharge Hearing in USBC Case No.SA83-01703PE, CAPRICE L. COLLINS, ESQ. had dismissed Adversary Case No.SA83-2194PE Summons issued about June 22, 1983 by Clerk WAGNER, for lack of Service of Process on Appellant and/or the CHAPTER 7 Court Trustee, which fact Appellant discovered on or about July 6, 1983 and complained to the Attorney-General of the State of California, Office of Consumer Protection which Office contacted CAPRICE L. COLLINS, ESQ.

On or about July 11, 1983 at the above described Discharge Hearing in USBC Case No. SA83-01703PE, Appellant made no reaffirmation of debts, and though CAPRICE L. COLLINS, ESQ. was present in Court, she made no objections to Appellant's 11 USC CHAPTER 7 Discharge.

About April, 1983, Appellant discovered that R & T FINANCIAL SERVICING CO.,INC. "California Corporation" Trustee in Foreclosure had been suspended as a "California Corporation" some time before January, 1981 and also on December 1, 1981.

On or about May 23, 1983, for the first time, the Real Party INTEGRITY HOME LOAN CO., INC. sent Appellant a Federal Disclosure Statement with the names of Real Parties LONNIE KAPLAN, SIMA KAPLAN listed as Lenders for the loan of some $10,000.00 Appellant received on December 7, 1981, with the amount stated as a loan of some $32,000.00, at 39.39%, allegedly given to Appellant on November 17, 1981, which Appellant denied and denies herein.

On or about November 17, 1981, Appellant received no cash or credit from the Real Parties, but had signed in Blank a Federal Disclosure Statement and a Trust Deed before she was told by INTEGRITY HOME LOAN CO., INC. that they had not found a Lender, and consequently Appellant did not sign a Promissory Note.

On or about December 7, 1981, when Appellant received some $10,000.00 from INTEGRITY HOME LOAN CO., INC., it was unsecured because they claimed they still had not found a Lender for $32,000.00 and when they did, Appellant could sign the Promissory Note, which Appellant was never asked to sign.

About July, 1983, a Lender INTEGRITY

HOME LOAN CO., INC. was supposed to have paid some $16,853.00 with the applied for loan of December 7, 1981, filed a Notice of Default claiming not to have been paid and Appellant can not be said to have received that amount in credit from the Real Parties.

On or about May 26, 1983, under the above described facts and circumstances, pursuant to 15 USC 1635(a) & (b), Regulation Z, 12 CFR 226, Sosa v. Fite (CA5 1974) 498 F 2d 114, Appellant rescinded all alleged loans arranged by the Real Party INTEGRITY HOME LOAN CO., INC. for failure of "material disclosure" of the names of any Lenders, and the usurious Interest Rate of 39.39%, and the concealment of the December 1, 1981 corporate suspension of R & T FINANCIAL

SERVICING CO., INC. Trustee in Foreclosure, and the fact that Appellant had not received the sum of some $32,000.00 listed on Trust Deed No.81-1214615 in cash or credit from either INTEGRITY HOME LOAN CO., INC. or LONNIE KAPLAN, SIMA KAPLAN or anyone claiming as their agents.

About August, 1983, Appellant by verified Complaint to the Office of the Attorney General of the State of California requested QUO WARRANTO PROCEEDINGS against R & T FINANCIAL SERVICING CO., INC. Trustee in Forclosure, suspended by the State from Trustee Sales and recording Trustee Sale Deeds as a "California Corporation" since December 1, 1981, and still suspended, and when there was no response to said verified

Complaint requesting the above described QUO WARRANTO PROCEEDINGS against suspended "California Corporation" R & T FINANCIAL SERVICING CO., INC. Trustee in Foreclosure, pursuant to California Civil Code, Section 803 by the Attorney-General of the State of California, the only person who can bring such action against said suspended Corporation--

Appellant filed and had Summons issued in USDC Case No.CV83-5901R on September 14, 1983 entitled Gwendolyn L. King, for herself, and on behalf of all others similarly situated; Gwendolyn L. King, as an individual, v. the State of California, John K. Van de Kamp, Attorney-General of the State, Integrity Home Loan Co., Inc., Lonnie Kaplan, Sima Kaplan, R & T Financial Servicing Co., Inc., et al.

for violations of Civil Rights, 28 USC 1343, 42 USC 1981, 1982, 1983, 1985, Article VI, the Supremacy clause of the United States Constitution, 15 USC 1601 et seq, Federal Truth In Lending Act ("TILA"), Regulation Z, 12 CFR 226, 15 USC 1635 (a) & (b), pendent causes of action for Usury, Slander of Title, Conspiracy to Slander Title, 11 USC 1471 based on United Mineworkers v. Gibbs, 383 U.S. 715; the CLASS ACTION based on Rule 23(b)(1)(A), Rule 23(b)(1)(B), Rule 23(b)(2), Rule 23(b)(3), Federal Rules of Civil Procedure, and seeking a Preliminary and Permanent Injunction against inter alios, INTEGRITY HOME LOAN CO., INC., LONNIE KAPLAN, SIMA KAPLAN, R & T FINANCIAL SERVICING CO., INC. defunct "California Corporation" from purporting to sell Appell-

ants homes and land without corporate power, right, authority of the State of California to do so, pursuant to 28 USC 2201, 28 USC 2202, and seeking Declaratory Judgment that such purported Trustee Sales by said defunct "California Corporation" since the December 1, 1981 date of suspension are null and void as are the resultant Trustee Sale Deeds.

On September 14, 1983, the Real Party INTEGRITY HOME LOAN CO., INC. was served with Summons and Complaint in USDC Case No.CV83-5901R, involving the issues of Title, ownership, possession of Appellant's permanent residence at 4401 Don Diablo Drive, Los Angeles, California 90008, under the above described facts, circumstances and violations

of 15 USC 1601 et seq, TILA, Regulation Z, 12 CFR 226, particularly 15 USC 1635 (a) & (b), Usury.

On or about September 23, 1983, without reopening USBC Case No.SA83-01703PE, CAPRICE L. COLLINS, ESQ., Attorney of Record for the Real Parties INTEGRITY HOME LOAN CO., INC., LONNIE KAPLAN, SIMA KAPLAN, had Clerk WAGNER issue an alleged "Alias Summons" in the above described July 11, 1983 dismissed USBC Adversary Case No.SA83-2194PE, without mention of USDC Case No.CV83-5901R, without Statutory Service of Process on Appellant and/or the CHAPTER 7 Court Trustee, if any there was subsequent to the July 11, 1983 Bankruptcy Discharge in USBC Case No.SA83-01703PE, without Notice to the Hon. PETER

ELLIOTT of Appellant's May 26, 1983 Rescission of all loans arranged by INTEGRITY HOME LOAN CO., INC., including the alleged one with LONNIE KAPLAN, SIMA KAPLAN pursuant to 15 USC 1635 (a) &(b), above described, without Notice to the Hon. PETER ELLIOTT of the corporate suspension of R & T FINANCIAL SERVICNG CO., INC. Trustee in Foreclosure, without filing a Proof of Claim pursuant to 18 USC 152, and without proving any Claim--and a Hearing was set for October 18, 1983.

On or about October 18, 1983, under the above described facts and circumstances CAPRICE L. COLLINS, ESQ. obtained a Default Judgment in USBC Case No.SA83-2194PE notwithstanding the then pending USDC Case No.CV83-

5901R filed , Summons issued, served on INTEGRITY HOME LOAN CO., INC., STATE OF CALIFORNIA, JOHN VAN DE KAMP, Attorney-General of the State of California on September 14, 1983, with Appellant as Plaintiff involving the same parties, the subject property at 4401 Don Diablo Drive, Los Angeles, California 90008, above described, and involving causes of action, above described that the Hon. PETER ELLIOTT was precluded from Hearing and/or determining pursuant to Northern Pipeline, supra, above described.

On or about October 25, 1983, by Order entered October 28, 1983, the Hon. PETER ELLIOTT purported to enter a final and res judicata Order as follows: in USBC Case No.SA83-2194PE, dismissed July 11, 1983 for lack of

Service of Process on Appellant and/or the CHAPTER 7 Court Trustee, revived and "Alias Summons" issued by Clerk WAGNER at the request of CAPRICE L. COLLINS, ESQ. on or about September 23, 1983, without statutory reopening of CHAPTER 7 Bankruptcy Case No.SA83-01703PE by CAPRICE L. COLLINS, ESQ., above described, without statutory Service of Process again on Appellant and/or the CHAPTER 7 Court Trustee:

> "Trial on Plaintiff's [INTEGRITY HOME LOAN CO., INC., LONNIE KAPLAN, SIMA KAPLAN] Request for Relief from Automatic Stay came on regularly on October 18, 1983, Courtroom 523 of the above entitled Court [Federal Bldg, 34 Civic Center Plaza, Santa Ana, California 92701]. Plaintiff was represented by its counsel, Caprice L. Collins. Debtor Defendant [Appellant herein] was not represented and was not present in Court. The Court, ~~having considered the evidence~~ [deleted by the Hon. PETER ELLIOTT], the record

[the above described Order dated December 27, 1982,/s/Barry Russell, CHAPTER 13 Case No.LAX82-43130BR] and oral argument advanced, made its Order as follows:

1. That Plaintiffs [INTEGRITY HOME LOAN CO., INC., LONNIE KAPLAN, SIMA KAPLAN] are permitted to perfect foreclosure on the subject property generally described as 4401 Don Diablo Drive, Los Angeles, California 90008;

2. That Plaintiffs shall be entitled to all amounts owing them [upon filing a Proof of Claim under 18 USC 152 in USBC Case No.SA83-2194PE at a statutory Final Hearing which was never held, and no Claim of INTEGRITY HOME LOAN CO., INC., LONNIE KAPLAN, SIMA KAPLAN was ever allowed]

Dated: October 25, 1983
/s/Peter Elliott
United States Bankruptcy Judge"

[EMPHASIS ADDED]

A copy of said Order dated October 25, 1983,/s/Peter Elliott appears in the APPENDICES hereto, as page 7-A, and as EXHIBIT "B" of the JURISDICTIONAL STATEMENT EXHIBITS.

On or about October 18, 1983, without Notice to Appellant, December 1, 1981 suspended "California Corporation" R & T FINANCIAL SERVICING CO., INC. Trustee in Foreclosure on Trust Deed No.81-1214615, above described, purported to sell, convey Title of Appellant's permanent homesteaded residence, above described, valued at some $185,000.00, to the Real Parties/Appellees LONNIE KAPLAN, SIMA KAPLAN, for $42,000.00, above described Orders of Bankruptcy Consultant Judges, Article I Administrative Law Judges whose Orders are not final and/or res judicata pursuant to Northern Pipeline, supra, and made without jurisdiction, above described, as the authority for said sale by a non-existent "artificial person."

On or about December 8, 1983, Respondent/Appellee, Clerk WAGNER of the above described USBC, Case No.SA83-01703PE mailed Appellant the July 11, 1983 CHAPTER 7 Discharge Order in said Bankruptcy Case.

On or about December 8, 1983, Respondent/Appellee, Clerk WAGNER of the above described USBC, Case No.SA83-2194PE mailed Appellant the above described Default Judgment Order, dated October 25, 1983, entered October 28, 1983,/s/Peter Elliott.

On or about December 12, 1983, the Real Parties/Appellees LONNIE KAPLAN, SIMA KAPLAN, CAPRICE L. COLLINS,ESQ. were served with Summons and Complaint in the above described September 14, 1983 USDC Case No.CV83-5901R, 20 days to serve and file a response.

On or about November 10, 1983, Respondent/Appellee, Clerk BROSNAN per USDC Inter-Office "JS6 Memo" had purportedly closed the multi-party, CLASS ACTION in USDC Case No.CV83-5901R, without Notice to Appellant, and in violation of Rule 54(b), Federal Rules of Civil Procedure inasmuch as only Defendants STATE OF CALIFORNIA, JOHN K. VAN DE KAMP, Attorney-General of the State of California, INTEGRITY HOME LOAN CO., INC. had been dismissed, in Appellant's absence, by the Hon. MANUEL REAL, on November 7, 1983 grant of their Rule 12(b) Motions--and there are approximately 14 named Defendants in USDC Case No.CV83-5901R.

On or about November 21, 1983 when

Appellant discovered that a Rule 12(b) Hearing had been held in her absence, above described, by Respondent/Appellee the Hon. MANUEL REAL, she had served and filed as to Defendants STATE OF CALIFORNIA, JOHN K. VAN DE KAMP, Attorney-General of the State of California, INTEGRITY HOME LOAN CO., INC., a Notice of Appeal to the United States Court of Appeals for the Ninth Circuit, Case No.83-6427, now docketed and pending therein.

A copy of the September 14, 1983 Civil Cover Sheet and Docket Sheets in USDC Case No.CV83-5901R appears in the JURISDICTIONAL STATEMENT EXHIBITS as EXHIBIT "C".

On or about January 4, 1984, the

Real Parties/Appellees, LONNIE KAPLAN, SIMA KAPLAN, CAPRICE L. COLLINS, ESQ. allegedly filed without Service of Process on Appellant, in USDC Case No.CV83-5901R, a NOTICE & MOTION TO DISMISS COMPLAINT, as to them, pursuant to Rule 12(b) [See Item 28 of EXHIBIT "C" above JURISDICTIONAL STATEMENT EXHIBITS] with Hearing set for February 6, 1984 before Respondent/Appellee, the Hon. MANUEL REAL.

On January 5, 1984, the Real Parties/Appellees, LONNIE KAPLAN, SIMA KAPLAN, CAPRICE L. COLLINS, ESQ. filed and had Summons issued in the Los Angeles Municipal Court ("LAMC"), 110 North Grand Avenue, Los Angeles, California 90012, an Unlawful Detainer Case No.A65170 with Declaration

under penalty of perjury by LONNIE KAPLAN that based on the above described Orders of Article I Administrative Law Judges, Consultants, dated December 27, 1982, /s/ Barry Russell, USBC Case No.LAX82-43130BR, dated October 25, 1983, /s/Peter Elliott, USBC Case No.SA83-2194PE, he was the owner of Appellant's permanent homesteaded residence, and, under penalty of perjury, that as of the date of filing LAMC Case No.A-65170, January 5, 1984, USDC Case No.CV83-5901R had been dismissed, though Appellant had not been served with the above described January 4, 1984 NOTICE & MOTION TO DISMISS COMPLAINT with Hearing set for February 6, 1984 before Respondent/Appellee, the Hon. MANUEL REAL, and USDC Case No.CV83-5901R

above described, had not been and still is not dismissed as a multi-party, CLASS ACTION Case, governed by Rule 54(b), Federal Rules of Civil Procedure.

On or about January 12, 1984, USBC Case No.SA83-2194PE, above described, was purportedly closed a second time by Respondent/Appellee, Clerk WAGNER, without Notice to Appellant.

On or about January 12, 1984, Appellant received by mail, without a Case No., the above described LAMC Case No.A-65170, subject of the companion Appeal NoA20 herein by Order of Mr. Justice Rehnquist time extended to and including September 4, 1984 for docketing, service and filing of Jurisdictional Statement on

Appeal from the Supreme Court of the State of California, Case No.B004133, denial of PETITION FOR WRIT OF MANDATE TO COMPEL THE LOS ANGELES MUNICIPAL COURT, HON. CLARENCE STROMWALL TO ENTER ORDER SQUASHING SERVICE OF PROCESS in LAMC Case No.A65170, filed January 5, 1984 while the above described USDC Case No.CV83-5901R between the same parties, involving the same subject property, valued at $185,000.00 was and is pending--for lack of LAMC jurisdiction pursuant to California Code of Civil Procedure, Section 418.10, Ascunsion v. Superior Court of San Diego (1980), 108 C.A. 3d 141, 161 Cal Rptr 306.

A copy of the Order dated the 12th day of July, 1984,/s/William H. Rehnquist, Assoc-

iate Justice of the Supreme Court of the United States appears in the APPENDICES hereto as page 16A, and in the JURISDICTIONAL STATEMENT EXHIBITS as EXHIBIT "D".

On January 17, 1984, within the statutory time to serve and file a responsive pleading in LAMC Case No.A65170, Appellant had served and filed pursuant to California Civil Code of Procedure, Section 418.10, a NOTICE & MOTION TO SQUASH SERVICE OF SUMMONS for lack of jurisdiction with Hearing set for February 10, 1984 before the Hon. CLARENCE STROMWALL.

On January 17, 1984, the Real Parties LONNIE KAPLAN, SIMA KAPLAN, CAPRICE L. COLLINS, ESQ., had served and filed a REQUEST FOR DEFAULT & DEFAULT JUDGMENT in LAMC Case

No.A65170 on the grounds that Appellant had not served and filed an Answer which Request for Default and Default Judgment was rejected. A copy of the LAMC Index in jumbled Order of pleadings without all dates of pleadings filed appears in the JURISDICITONAL STATEMENT EXHIBITS as EXHIBIT "E".

On January 21, 1984, a Saturday, Appellant received by mail, an alleged FIRST AMENDED NOTICE & MOTION TO DISMISS COMPLAINT [RULE 12(b)(6)] in USDC Case No. CV83-5901R from the Real Parties LONNIE KAPLAN, SIMA KAPLAN, CAPRICE L. COLLINS, ESQ. with Proof of Service dated January 13, 1984,/s/Phaebra Croft, giving Appellant until January 23, 1984, the following

Monday, to serve and file MEMORANDUM OF POINTS & AUTHORITIES IN OPPOSITION TO LONNIE KAPLAN, SIMA KAPLAN'S RULE 12(b)(6) MOTION TO DISMISS COMPLAINT in USDC Case No.CV83-5901R, filed September 14, 1983, served on Real Party, INTEGRITY HOME LOAN CO., INC. on Septmber 14, 1983, served on Real Parties LONNIE KAPLAN, SIMA KAPLAN, CAPRICE L. COLLINS, ESQ. on December 12, 1983--pursuant to Rule 7.6 of the Local Rules of the USDC for the Central District, and Rule 6(e), Federal Rules of Civil Procedure, Appellant was allowed a statutory 10 days to serve and file an OPPOSITION MEMORANDUM, above described. A copy of said Local Rule 7.6 and Rule 6(e), Federal Rules of Civil Procedure appears in the

APPENDICES hereto as page 18-A.

On January 21, 1984, a Saturday, Appellant personally noticed CAPRICE L. COLLINS,ESQ. for LONNIE KAPLAN, SIMA KAPLAN that she had just received the alleged FIRST AMENDED NOTICE & MOTION TO DISMISS COMPLAINT [RULE 12(b)(6)] filed January 5, 1984 [See Item 33, Docket Sheets, EXHIBIT "B" above JURISDICITONAL STATEMENT EXHIBITS], with Proof of Service dated January 13, 1984,/s/Phaebra Croft, and personally noticed said Attorney at law that Appellant would seek an EX PARTE MOTION FOR EXTENSION OF TIME TO SERVE & FILE A MEMORANDUM OF POINTS & AUTHRITIES IN OPPOSITION TO [ALLEGED] FIRST AMENDED NOTICE & MOTION [RULE 12(b)(6)] OF LONNIE KAPLAN, SIMA

KAPLAN TO DISMISS COMPLAINT & FOR A CONTINUANCE OF HEARING FROM FEBRUARY 6, 1984 in USDC Case No.CV83-5901R, on Monday, January 23, 1984, at 1:30 p.m. before the Hon. MANUEL REAL, under the above described facts and circumstances.

On January 23, 1984, a Monday, Appellant had served and filed an EX PARTE MOTION FOR EXTENSION OF TIME TO SERVE AND FILE OPPOSITION MEMORANDUM TO LONNIE KAPLAN, SIMA KAPLAN'S [ALLEGED] FIRST AMENDED NOTICE & MOTION TO DISMISS COMPLAINT in USDC Case No. CV83-5901R, and FOR CONTINUANCE OF HEARING FROM FEBRUARY 6, 1984, along with a MEMORANDUM OF POINTS & AUTHORITIES IN SUPPORT OF EX PARTE MOTION, DECLARATION OF GWENDOLYN L. KING IN SUPPORT OF EX PARTE MOTION, and at

1:30 p.m. LOYETTE FISCHER, Deputy Clerk to Hon. MANUEL REAL continued the above Hearing on Ex Parte Motion for Extension of Time & for Continuance of the above February 6, 1984 Rule 12(b)(6) [Alleged] First Amended Notice & Motion to Dismiss Complaint, to January 24, 1984 at 1:30 p.m. before the Hon. MANUEL REAL.

On January 24, 1984, at 1:30 p.m. in USDC Case No.CV83-5901R, the Real Parties, LONNIE KAPLAN, SIMA KAPLAN, CAPRICE L. COLLINS, ESQ. had served and filed no opposition papers to Appellant's above described EX PARTE MOTION FOR EXTENSION OF TIME & FOR CONTINUANCE OF HEARING FROM FEBRUARY 6, 1984, nor had they served and filed any other pleadings regarding LAMC Case

No.A65170.

On January 24, 1984, Tuesday, at 1:30 p.m., in USDC Case No.CV83-5901R, KAREN A. RAGLAND, ESQ. of the LAW OFFICES OF CAPRICE L. COLLINS, for LONNIE KAPLAN, SIMA KAPLAN, was asked by Respondent/Appellee, the Hon. MANUEL REAL if they had objections to the Ex Parte Motion for Extension of Time to serve and file a Memorandum of Points & Authorities in Opposition to the [Alleged] First Amended Notice & Motion to Dismiss Complaint[Rule 12(b)(6)] and for a Continuance of Hearing from February 6, 1984 to February 20, 1984, and in open Court, KAREN A. RAGLAND, ESQ. stated that LONNIE KAPLAN, SIMA KAPLAN were the owners of Appellant's permanent homesteaded residence at 4401 Don

Diablo Drive, Los Angeles, California 90008, and they had filed an Unlawful Detainer Complaint in the LAMC [Case No.A65170, filed and Summons issued January 5, 1984, Appellant served by mail on or about January 13, 1984] and thereafter Appellant had filed the USDC Complaint[Case No.CV83-5901R, filed and Summons issued September 14, 1983, LONNIE KAPLAN, SIMA KAPLAN, CAPRICE L. COLLINS, ESQ. personally served on December 12, 1983] and then subsequently Appellant had filed in the LAMC Case No.A65170 a NOTICE & MOTION TO SQUASH SERVICE OF SUMMONS FOR LACK OF JURISDICTION [served and filed January 17, 1984] set for Hearing before the Hon. CLARENCE STROMWALL in the LAMC on February 10, 1984, and they wanted Respondent/Appellee, the

Hon. MANUEL REAL to "remand" USDC Case No. CV83-5901R [Federal causes of action 28 USC 1343, 42 USC 1981, 1982, 1983, 1985, 1988, Article VI, the Supremacy Clause of the United States Constitution, 15 USC 1601 et seq, TILA, Regulation Z, 12 CFR 226, 15 USC 1635 (a) & (b), 28 USC 2201, 28 USC 2202] to the LAMC Case No.A65170 so that on Febuary 6, 1984, before the Hon. CLARENCE STROMWALL on February 10, 1984, Appellant could be evicted.

On January 24, 1984, at 1:30 p.m. at the Hearing on the above described Ex Parte Motion of Appellant before the Hon. MANUEL REAL, Appellant was not allowed to speak before said Judge ruled that Appellant should be evicted and that on February

6, 1984, he would "remand" USDC Case No.CV83-5901R, Federal causes of action, to the LAMC Case No.A65170 before the Hon. CLARENCE STR STROMWALL so that the Real Parties/Appellees LONNIE KAPLAN, SIMA KAPLAN could get on with their eviction, and that Appellant had until February 2, 1984, to serve and file opposition Memorandum of Points & Authorities to the above described alleged First Amended Notice & Motion to Dismiss Complaint [Rule 12(b)(6)]--nine (9) days instead of the statutory ten (10) days Appellant is allowed under Rule 6(e), Federal Rules of Civil Procedure, and Rule 7.6 of the USDC Local Rules, APPENDICES, P.18-A.

On February 2, 1984, Appellant did not waive statutory and constitutional rights un-

der Rule 6(e), Federal Rules of Civil Procedure, Rule 7.6 of the USDC Local Rules, above described, by serving and filing said opposition Memorandum of Points & Authorities in USDC Case No.CV83-5901R in the nine (9) days alloted by Respondent/Appellee, the Hon. MANUEL REAL on January 24, 1984.

On February 5, 1984, Appellant for herself, and on behalf of all others similarly situated, and as an individual, had served, and filed in the United States Court of Appeals for the Ninth Circuit a PETITION FOR WRIT OF CERTIORARI/MANAMUS/PROHIBITION, Case No.84-7097 against Respondents/Appellees, the Hon. MANUEL REAL, Clerk LEONARD BROSNAN, USDC; Hon. BARRY RUSSELL, Hon. PETER ELLIOTT, Clerk JACK WAGNER, USBC; Real Parties in In-

terest, INTEGRITY HOME LOAN CO., INC., LONNIE KAPLAN, SIMA KAPLAN as alleged Beneficiaries under Trust Deed No.81-1214615 recorded in Los Angeles County December 10, 1981 with defunct R & T FINANCIAL SERVICING CO.,INC. [suspended 12-1-81 as a "California Corporation"] Trustee in Foreclosure.

The above described February 5, 1984 PETITION FOR WRIT OF CERTIORARI/MANDAMUS/PROHIBITION, USCA, 9th Case No.84-7097 against the above described Respondents/Appellees, Real Parties/Appellees, sought to prohibit the Hon. MANUEL REAL from dismissing LONNIE KAPLAN, SIMA KAPLAN from USDC Case No.CV83-5901R, or in the alternative that he be mandated to set said dismissal aside pursuant to Rule 60(b),

Federal Rules of Civil Procedure, 28 USC 1655, for fraud upon the Court, in the above described CHAPTER 13 Case No.LAX82-43130BR, CHAPTER 7 Case No.SA83-2194PE, USDC Case No.CV83-5901R, LAMC Case No.A65170;--sought to annul, vacate, set aside the above described Order of Respondent/Appellee, the Hon. BARRY RUSSELL dated December 29, 1982, and the above described Order of Respondent/Appellee, the Hon. PETER ELLIOTT, dated October 25, 1983;--sought to mandate that Respondent/Appellee, Clerk LEONARD BROSNAN not engage in the judicial function of"dismissing" or "Closing" Cases on the Docket Sheets by Inter-office "JS5" "JS6" Memos without Final Judicial Order pursuant to Rule 54(b), Federal Rules of Civil Procedure; --sought to mandate that Respondent/Appellee,

JACK WAGNER not engage in the judicial function of "dismissing" Appeals in the USBC by returning the Original filed NOTICE OF APPEAL to Appellant(s) so that no record exists of a timely Appeal as occurred in Appellant's Appeal of the above described CHAPTER 13 Case No.LAX82-43130BR Order dated December 29,1982.

On February 6, 1984, at the Hearing of the Real Parties, LONNIE KAPLAN, SIMA KAPLAN, CAPRICE L. COLLINS, ESQ. alleged January 5, 1984 FIRST AMENDED NOTICE & 12(b)(6) MOTION TO DISMISS COMPLAINT in USDC Case No.CV83-5901R, above described, Appellant, having served and filed the above described PETITION FOR WRIT OF CERTIORARI/MANDAMUS/PROHIBITION on Respondents/Appellees, the Hon. MANUEL REAL, LEONARD BROSNAN, USDC, and

their Counsel, the UNITED STATES ATTORNEY, the ATTORNEY-GENERAL OF THE USA, and upon LONNIE KAPLAN, SIMA KAPLAN, and their Counsel, CAPRICE L. COLLINS, ESQ. on February 5, 1984, USCA, 9th Case No.84-7097 herein, Appellant did not confer jurisdiction by appearance in USDC Case No.CV83-5901R.

On February 6, 1984, notwithstanding the above described February 5, 1984 PETITION FOR WRIT OF CERTIORARI/MANDAMUS/PROHIBITION served and filed against Respondents/Appellees, the Hon. MANUEL REAL, LEONARD BROSNAN, USDC, inter alios, USCA, 9th Case No.84-7097, Judge REAL held a Hearing and entered the the following Order as to the Real Parties, LONNIE KAPLAN, SIMA KAPLAN, only, not as to the entire USDC Case No.CV83-5901R:

"The Court finds:
1. Defendants, LONNIE KAPLAN and SIMA KAPLAN, filed herein their Motion to Dismiss Complaint [12(b)(6), FRCP].

2. Plaintiffs filed with the Court no written opposition to said Motion, and failed to enter an appearance at the time and place of hearing on said Motion.

3. Upon consideration of the said Motion and good cause appearing, it is

ORDERED, that the Defendants' Motion be granted and that the complaint herein be and hereby is dismissed as to the above-mentioned moving Defendants, with prejudice.

DATED: February 27, 1984
/s/Manuel Real, USDC Judge"

A copy of said Order dated February 27, 1984,/s/Manuel Real appears in the APPENDICES hereto as page 19-A, and as EXHIBIT "F" of the JURISDICTIONAL STATEMENT EXHIBITS.

On February 15, 1984, Respondent/Appellee, LEONARD BROSNAN and/or his Deputy Clerk

LOYETTE FISCHER had entered as Item 39 on the Docket Sheets in USDC Case No.CV83-5901R the following:

> "2-15-84 m 39. Case closed pursuant to memo from CRD Fischer. Made JS6."

and endorsed on the above described Order of February 27, 1984,/s/Manuel Real, the following:

> "Complaint for Declaratory Judgment filed 9/14/83--2/6/84 Court grants Motion to Dismiss the Complaint--CLOSED ENT,/s/? JS6"

despite the fact that USDC Case No.CV83-5901R is a multi-party, CLASS ACTION lawsuit and none of the R & T FINANCIAL SERVICING CO., INC. ("R & T CO., INC.") Defendants, approximately nine (9) have appeared, and to date have been evading Service of Process.

On or about April 10, 1984, an Order was filed in the above described February 5, 1984 USCA, 9th Case No.84-7097, CV83-5901R, as follows:

> "Before: WALLACE, ANDERSON and TANG, Circuit Judges
>
> This petition for a writ of mandamus is denied. Petitioner may raise any assignment of district court error in CV83-5901R in her direct appeal, King v. California, No.84-6427, now pending before this court."

which Order was rceived by Appellant herein on or about April 27, 1984.

A copy of said Order filed April 10, 1984 appears in the APPENDICES hereto as page 25-A, and as EXHIBIT "G" of the JURISDICTIONAL STATEMENT EXHIBITS.

On or about May 9, 1984, Appellant(s) had served and filed in USCA, 9th Case No.

84-7097, CV83-5901R a NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITES STATES, a copy of which appears in the APPENDICES hereto as page 26-A, and as EXHIBIT "H" of the JURISDICTIONAL STATEMENT EXHIBITS.

On February 10, 1984, notwithstanding the then pending USDC Case No.CV83-5901R, USCA, 9th Case No.84-7097, above described, the Honorable CLARENCE STROMWALL in LAMC Case No.A65170 [filed January 5, 1984, Unlawful Detainer pursuant to California Code of Civil Procedure, Section 1161a] decided that he and/or the LAMC had subject matter and personal jurisdiction to try the issues of Title, ownership, possession of Appellant's $185,000.00 permanent residence, above described, and on February 15, 1984, Appell-

ant, pursuant to California Code of Civil Procedure, Section 418.10, filed in the Los Angeles Superior Court ("LASC") Case No.C486-610, a PETITION FOR WRIT OF MANDATE TO COMPEL LAMC#A65170 TO ENTER ORDER SQUASHING SERVICE OF SUMMONS for lack of subject matter and/or personal jurisdiction, which was denied March 5, 1984. [NOTICE OF FILING PETITION FOR WRIT OF MANDATE was also served and filed in LAMC Case No.A65170.]

On or about March 7, 1984, Appellant had served and filed a NOTICE OF APPEAL in LASC Case No.C486-610, and the Real Parties/ Appellees LONNIE KAPLAN, SIMA KAPLAN, CAPRICE L. COLLINS, ESQ. had served and filed in LAMC Case No.A65170 a second REQUEST FOR DEFAULT & DEFAULT JUDGMENT though no Remittitur was

served and filed in LASC Case No.C486-610.

On March 12, 1984, Appellant had served and filed an Original PETITION FOR WRIT OF MANDATE TO COMPEL LAMC#A65170 TO ENTER ORDER SQUASHING SERVICE OF SUMMONS for lack of jurisdiction in the California Court of Appeals, Second Appellate District, Division, Case No.B004133.

On March 13, 1984, LAMC Case No.A-65170 Commissioner JOHN D. HARRIS and/or Clerk EDWARD M. KRITZMAN entered a DEFAULT JUDGMENT in violation of the above described CCP 418.10(c), and based thereon a WRIT OF POSSESSION of Appellant's permanent homesteaded residence.

On March 14, 1984, the California Court of Appeals, Case No.B004133 denied

the above March 12, 1984 Original PETITION FOR WRIT OF MANDATE in LAMC Case No.A65170.

On March 26, 1984, within the statutory ten (10) days, Appellant had served and filed a PETITION FOR HEARING in the Supreme Court of California, Case No.B004133, which was denied April 18, 1984.

On or about May 9, 1984, Appellant had served and filed in the Supreme Court of California Case No.B004133, a NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES a copy of which appears in the APPENDICES hereto as page 28-A, and as EXHIBIT "I" of the JURISDICTIONAL STATEMENT EXHIBITS, and is the companion Appeal No.A20 herein, entitled Gwendolyn L. King aka Gwendolyn L. King aka Gwen Greene v. Hon. Clarence Strom-

wall, the Municipal Court of Los Angeles County, State of California, Lonnie Kaplan, Sima Kaplan.

On April 9, 1984, Appellant had served and filed in LAMC Case No.A65170 a Noticed Motion to Set Aside Default Judgment & Recall Writ of Possession for lack of jurisdiction and Stay until date of Hearing April 20, 1984.

On April 19, 1984, LONNIE KAPLAN, SIMA KAPLAN and the Los Angeles County Marshal PICKENS broke into Appellant's home above described with a sledge hammer and forced her out at gun point in spite of the above Stay, notwithstanding they had not served or filed opposition papers.

On April 20, 1984, in LAMC Case No.

A65170 the Hon. Clarence Stromwall denied Appellant Noticed Motion to Set Aside Default Judgment and Recall Writ of Possession, and as of April 20, 1984 terminated the above described Stay, and notified the Los Angeles County Marshal's Office, which Office never came again to Appellant's home.

On or about May 9, 1984, Appellant had served and filed a NOTICE OF APPEAL in LAMC Case No.A65170 from the Denial of the above described Noticed Motion to Set Aside Default Judgment and Recall Writ of Possession of March 13, 1984, and pursuant to 28 USC 1252, that Appeal is deemed pending before this Supreme Court of the United States, herein and in the companion Appeal No.A20.

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JURISDICTION

This Appeal, No.A21, is from denial of the February 5, 1984 PETITION FOR WRIT OF CERTIORARI/MANDAMUS/PROHIBITION, USCA, 9th Case No.84-7097, USDC Case No.CV83-5901R by Order filed April 10, 1984, above described; NOTICE OF APPEAL served and filed May 9, 1984.

This Appeal is timely docketed herein within the statutory time due to an intervening CHAPTER 13 Bankruptcy Case No.SA84-01312-PE, filed March 28, 1984, dismissed on or about August 4, 1984, thereby tolling the time herein for docketing.

Jurisdiction herein is invoked under 28 USC 1252 and/or 28 USC 1253 and/or 28 USC 1254(2), and Article VI, U.S. Constitution.

CONSTITUTIONAL & STATUTORY PROVISIONS

AND APPENDICES PAGE NOS.

Article I, U.S. Constitution, page 32-A.

Article III, U.S. Constitution, page 34-A.

Article VI, U.S. Constitution, page 35-A.

1st Amendment, U.S. Constitution, page 36-A.

5th Amendment, U.S. Constitution, page 37-A.

6th Amendment, U.S. Constitution, page 37-A.

7th Amendment, U.S. Constitution, page 38-A.

14th Amendment, U.S. Constitution, page 38-A.

Rule 7.6, USDC Local Rules of Court, page 18-A.

Rule 6(e), FRCP, page 18-A.

Rule 23(e), FRCP, page 18-A.

Rule 54(b), FRCP, page 39-A.

Rule 60(b), FRCP, page 40-A.

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STATEMENT OF CASE

Appellant(s) have fairly laid out the Case hereinabove in USCA, 9th Case No.84-7097, USDC Case No.CV83-5901R [LAMC Case No. A65170] in the Section OPINIONS & ACTIONS BELOW to show that in spite of this Court's Decision in Faretta v. California, 354 U.S. 521 (1974), In Pro Se litigants are discriminated against, denied equal access to the Courts of the first instance, denied Equal Protection of Law and/or Due Process therein under the Fifth Amendment, Fourteenth Amendment, U.S. Constitution. Potter v. McCall, (CA9 1970) 433 F 2d 1087; Ascunsion, supra; Northern Pipe Line, supra.

Thus, the Appellant(s) herein are virtually remediless to stop the violations of

of their their rights under 15 USC 1601 et seq, TILA, Regulation Z, 12 CFR 226, 15 USC 1635(a) & (b), Sosa v. Fite, supra Rescissions 28 USC 1471, 28 USC 1343, 42 USC 1981, 1982, 1983, 1985, 28 USC 2201, 28 USC 2202, and under Ascunsion, supra; and under California Bank & Corporation Law, Revenue & Tax Code, Sections 23302, 23571.

This Court is requested to take Judicial Notice that Appellant(s) herein are minorities, Black, Brown, others of color, women, poor--and the ratio of Attorneys at Law in California is approximately I/5000 for Blacks, 1/10,000 for Browns, 1/400 for Whites--and the average costs to bring a lawsuit in the USDC as herein is from $5,000-$10,000--and few In Pro Se litigants in the USDC, if any, can

or do get to trial in the USDC regardless of their diligence and adherence to the Local Rule of Court, the Federal Rules of Civil Procedure, merits of their Cases.

Whereas there is a laxity of enforcement of procedure with Attorneys at Law, there is a strictness of procedural enforcement with In Pro Se litigants--and by and large a tacit agreement that an In Pro Se litigant must not be allowed "to prevail" against a licensed Attorney at Law regardless of the merits of the Case.

The result is that in America there is a hugh number of persons, above described who are being denied civil justice while being admonished to observe "law and order" --and they are targets for abuse of their

"fundamental interests" without "compelling interest" of the State(s) by Real Parties like INTEGRITY HOME LOAN CO., INC., LONNIE KAPLAN, SIMA KAPLAN, Defendants R & T CO., INC. a December 1, 1981 suspended Trustee in Forclosure, above described, purporting to sell their homes and land as a "California Corporation" and purporting to give Title to Appellant(s) homes and land while the State of California, Attorney-General of the State, JOHN K. VAN DE KAMP, refuses to bring requested QUO WARRANTO PROCEEDINGS against the de facto dissolved "California Corporation"--and Appellant(s) who are defending their property are being arrested under California Penal Code, Section 419, sentenced without trial in the LAMC(as Appellant herein

LAMC Case No.31303105 [REPOSSESSION OF LAND AFTER REMOVAL BY LEGAL PROCESS], Removed Case USDC Case No.CR84-906, filed September 25, 1984.) Lindsey v. Normet, 405 U.S. 56 (1972); Kramer v. Union Free School District, 395 U.S. 621, 627; Halls v. Beals, 396 U.S. 45 (1969).

FEDERAL QUESTIONS ARE SUBSTANTIAL

As can be seen hereinabove, Appellant(s) In Pro Se are being denied equal access to the Courts by Respondents and/or Equal Protection and/or Due Process therein so as to be denied their First, Fifth, Sixth, Seventh, Fourteenth Amendment rights under the United States Constitution--and Appellant(s) contend that such denials are based on invidious class, racial, color, discrimination.

Appellant(s), In Pro Se herein are being denied the Equal Protection of Law, and Due Process of this Court's contemporary Decisions in Sniadach v. Family Finance Corp. 398 U.S. 337 (1969) and its progeny --no pre-seizure Hearing(s) on the merits --no sworn in-Court testimony of Creditors such as the Real Parties/Appellees herein with Sixth Amendment right(s) of confrontation and cross-examination--no requested jury trial(s) pursuant to Seventh Amendment.

Appellant(s), In Pro Se herein are being denied the Equal Protection of Law of California Bank & Corporation Law, Revenue & Tax Code, Sections 23302, 23571; Northern Pipe Line, supra; Ascunsion, supra; 15 USC 1601 et seq, TILA, Regulation Z, 12

CFR 226, 15 USC 1635(a) & (b), 28 USC 2201, 28 USC 2202, 28 USC 1343, 42 USC 1981, 1982, 1983, 1985.

Appellant(s), In Pro Se herein are being denied the Equal Protection of Law under Article VI of the U.S. Constitution by the alleged "deputized" Article I Bankruptcy Judges purporting to give Final and/or res judicata Judgments without fair Adversary Hearings, with Hearsay evidence of Declarations of Creditors--many of whom file no Proof(s) of Claim under 18 USC 152--many of whom get $50,000.00-$100,000.00 of Appellant(s) Owner Equity in their homes without any in-Court testimony or opportunity for Appellant(s) Sixth Amendment rights of confrontation and cross-examination.

A copy of the 12-1-81 CERTIFICATE OF FILING AND SUSPENSION of Defendant R & T FINANCIAL SERVICING CO., INC., Trustee in Foreclosure, Corporation No.741028, dated June 7, 1983,/s/March Fong Eu, Secretary of State appears as EXHIBIT "J" of the JURISDICTIONAL STATEMENT EXHIBITS.

There can be no greater substantial Federal Questions than the violations of Appellant(s) constitutional rights by Respondents under Rule 23(e), Rule 54(b),FRCP, and Article VI, U.S. Constitution, particularly on December 27, 1982, February 6, 1984, by USDC Chief Judge MANUEL REAL.

CONCLUSION

Appellant(s) respectfully urge this Court to exercise its jurisdiction herein.

DATED: August 7,1984 Gwendolyn L. King
GWENDOLYN L. KING, In Pro

NO.

In the Supreme Court

OF THE

United States

October Term, 1984

No. A21

GWENDOLYN L. KING, for herself, and on behalf of all others similarly situated; GWENDOLYN L. KING, individual,
Petitioner(s)/Appellant(s)

v.

Hon. MANUEL REAL, LEONARD BROSNAN, Clerk, USDC, CENTRAL DISTRICT OF CALIFORNIA; Hon. BARRY RUSSELL, Hon. PETER ELLIOTT, JACK WAGNER, Clerk, USBC, CENTRAL DISTRICT OF CALIFORNIA,
Respondents/Appellees

INTEGRITY HOME LOAN CO., INC., LONNIE KAPLAN, SIMA KAPLAN as alleged Beneficiaries under Trust Deed No.81-1214615, etc.
Real Parties in Interest/Appellees

ON APPEAL FROM THE NINTH CIRCUIT

Appendices

Gwendolyn L. King, In Pro Se
1509 North Main Street, Suite B118
Santa Ana, California 92701
Petitioner(s)/Appellant(s)

August 7, 1984

CAPRICE L. COLLINS
Attorney at Law
5757 West Century Boulevard, Suite 700
Los Angeles, California 90045
(213) 642-6513
Attorney for Plaintiff

FILED

Dec 29, 1982

Clerk, U.S. Bankruptcy Court
Central District of California
By_____Bankruptcy Clerk

ENTERED

Jan 6,1983

Clerk, U.S. Bankruptcy Court
Central District of California
By_____Bankruptcy Clerk

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

In Re:	Bankruptcy No.:LAX 82-17781-BR
GWENDOLYN L. KING aka GWENDOLYN L. GREENE aka GWEN GREENE	
Debtor(s)	

1-A

APPENDIX 1-A

INTEGRITY HOME LOAN CO., INC. and LONNIE KAPLAN and SIMA KAPLAN Plaintiff, vs. GWENDOLYN L. KING aka GWENDOLYN L. GREENE aka GWEN GREENE and ELSIE DAVIS, TRUSTEE Defendant(s)	Adversary No.:LAX82-43130BR ORDER GRANTING LEAVE TO FORECLOSE AND RELIEF FROM STAY

2-A

Trial on Plaintiff's Request for Relief from Automatic Stay came on regularly on December 27, 1982, 9:00a.m. Courtroom "A" of the above-entitled Court. Plaintiff was represented by its counsel, Caprice L. Collins; Defendants/Debtors were represented

The Court having considered the evidence, court record, and oral argument advanced, made its Order as follows:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

(1) That Plaintiff is permitted to perfect foreclosure proceedings on the subject property generally described as 4401 Don Diablo Drive, Los Angeles, California, 90008 ; and

3-A

(2) That all restraining orders and automatic stays with respect to this proceeding and to any subsequent Chapter proceedings which involve the subject property and the defendant(s) herein and/or their assignee(s) or successor(s) in interest are hereby vacated, extinguished and terminated.

4-A

DATED: DEC 29, 1982

/s/BARRY RUSSELL

BARRY RUSSELL
U.S. Bankruptcy Judge

973	2	LAX 82	43130	11	29	82	3	418	1	-	XX	A201	NO	973	2	

PLAINTIFFS	DEFENDANTS
INTEGRITY HOME LOAN CO.,etal	GWENDOLYN L. KING ELSIE DAVIS, TRUSTEE

ATTORNEYS

CAPRICE L. COLLINS 5757 W. CENTURY BLVD. LOS ANGELES,CA. 90045	GWENDOLYN L. KING 4401 DON DIABLO DRIVE LOS ANGELES,CA.

CAUSE

REQUEST FOR RELIEF FROM AUTOMATIC STAY

5-A

DATE	NR	BANKRUPTCY PROCEEDING RECORD
11-29	A-1	Filed Complaint
12-3		Issued Summons and Notice of Trial Ans. due 12-20: Hrg. set 12-27 at 9a.m.
12-8-82	A2	Summons with affidavit of service thereon
12-22-82	A3	Fld response of Plt's counsel to order for pre-trial stipulation
12-22-82	A4	Fld answer
12-22-82	A5	Fld debtor/defendant/plaintiff's counter-complaint to complaint for relief from stay
12-29-82	A6	Order granting leave to foreclose and relief from stay Ent.1-6-83
1-11-83	A7	Notice of Motion & Motion for Leave to File Appeal In Forma Pauperis in the U.S. District Court for the Central District of California: Hrg set for 1-21-83 at 2:00 p.m. Crtrm A.
	A8	Declaration of Gwendolyn L. King in support of Motion
	A9	Appellant's designation of record on appeal and statement of issues on appeal
	A10	Proposed Order--MOTION DENIED 1-11-83
1-19-83	A11	Correspondence re Proposed Order Bernadine Gordon
MAR 22 1983		ADVERSARY CLOSED

6-A

CAPRICE L. COLLINS
5757 West Century Blvd.
Suite 700
Los Angeles, CA 90045
(213) 642-6513

Attorney for Plaintiff

FILED

October 25, 1983
Clerk, U.S. Bankruptcy Court
Central District of California
By E Bankruptcy Clerk

ENTERED Oct 28, 1983

7-A

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

In re:	
GWENDOLYN KING aka GWENDOLYN GREENE aka GWEN KING,	Bankruptcy No.: SA83-01703PE
Debtor.	CHAPTER 7
	Adversary No.: SA 83-2194 PE

APPENDIX 7-A

INTEGRITY HOME LOAN CO., INC., LONNIE KAPLAN and SIMA KAPLAN Plaintiffs, vs. GWENDOLYN KING aka GWENDOLYN GREENE aka GWEN GREENE Defendant	) ORDER GRANTING LEAVE TO FORECLOSE AND RELIEF FROM AUTOMATIC STAY)) Date: October 18, 1983) Time: 10:00 a.m.) Place: Courtroom 523)

8-A

Trial on Plaintiff's Request for Relief from Automatic Stay came on regularly on October 18, 1983, Courtroom 523 of the above-entitled Court. Plaintiff was represented by its counsel, Caprice L. Collins; Defendant/Debtor was not represented and was not present in Court.

The Court, having considered the evidence, court record and oral argument advanced, made its Order as follows:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That Plaintiffs are permitted to perfect foreclosure proceedings on the subject property generally described as 4401 Don Diablo Drive, Los Angeles, California, 90008;

2. That Plaintiffs shall be entitled to all amounts due and owing them including but not limited to arrearages, principal, interest, attorney's fees, foreclosure fees and late charges; and

3. That all restraining Orders and Automatic Stays with respect to this proceeding and to any subsequent Chapter proceedings which involve the subject property and the defendant herein and/or their assignee(s) or successor(s) in interest are hereby vacated, extinguished and terminated.

DATED: Oct 25, 1983 default eph /s/PETER ELLIOTT
U.S. Bankruptcy Judge

9-A

973	8	SA 83	FE 2194	06	14	83	3	418	1	XXXX	A197		973	8

PLAINTIFFS

INTEGRITY HOME LOAN CO. INC
and
LONNIE & SIMA KAPLAN

DEFENDANTS

GWENDOLYN L. KING aka
GWENDOLYN L. GREENE and
GWEN GREEN AND
JAMES J. JOSEPH, Trustee

10-A

DEBTOR: GWENDOLYN L. KING aka
GWENDOLYN L. & GWEN GREENE

CAUSE

REQUEST FOR RELIEF FROM AUTOMATIC STAY

ATTORNEYS

CAPRICE L. COLLINS
5757 West Century boulevard, Suite 700
Los Angeles, California 90045
(213) 642-6513

DATE	NR.	SA83-01703PE BANKRUPTCY PROCEEDING RECORD CHAPTER 7
6-14-83	1	COMPLAINT
6-22-83		SUMMONS issued Hrg set for 7/12/83 10a.m.
7-12-83		Hrg on relief from stay--O/C [Off Calendar] *ALIAS SUMMONS
10-23-83	2	Declaration of Caprice L. Collins: HRG: 10-18-83@ 10 AM Rm 523*
10-28-83	3	Fld summons w/certification of service
10-12-83	4*	Answer to Complaint by Trustee
10-18-83		Hrg on relief from stay held--default order for relief
10-25-83	5*	ORDER: That Plaintiffs are permitted to perfect foreclosure proceedings on the property located at 4401 Don Diablo Drive, Los Angeles, CA. Plaintiffs shall be entitled to all amounts due and owing them including but not limited to arrearages, principal, interest, attorney's fees, foreclosure fees & late charges, and all restraining orders & Automatic Stays are hereby vacated, extinguished and terminated (ENTER, Findings of Fact and conclusion of Law w/Notice of Entry) (Ent-10-28-83)

II-A

973	8	DOCKET NO. SA83-01703PE	DATE FILED 04 12 83	REOPENED R O

KING, GWENDOLYN L.

aka GWENDOLYN L. GREENE
aka GWEN GREENE

12-A

1509 NORTH MAIN STREET, APT. B118

SANTA ANA	ORANGE 06059	CA	92701

ATTY FOR DEBTOR: IN PRO PER (213) 461-3127

TRUSTEE: JOSEPH

X VOLUNTARY

X BUSINESS

X CHAPTER 7

JUDGE P. ELLIOTT

A197 JUDGE CODE

X PRO SE

OBLIGATIONS

$ 1,738 PRIORITY

$ 102,414 SECURED

$ 4,560 UNSECURED

TOTAL ASSETS $ ~~181,000~~ 196,000

NO. OF CREDI-TORS 18

X FILING FEES PAID

DATE		BANKRUPTCY CASE RECORD	SA83-01703PE CHAPTER 7
4/12/83	1.	Petition X schdl/stm affr X	
Apr 27/83	2.	Mld no for 341(a) Hrg 5-9-83 @ 2:30 Order fixing 6-20-83 last day to file dischblty and disch complaints N/A DO NOT FILE CLAIMS Mld not Reaff/Disch Hrg 7-11-83 @ 10:30 Rm 520	
May 10/83	3.	Not trste appt and acceptance (JOSEPH)	
May 19/83	4.	No asset rept	

13-A

DATE	BANKRUPTCY CASE RECORD	SA83-01703PE CHAPTER 7
Jul 11/83	Hrg re dsch -- granted X Reaff: Ø	
Jul 11/83	5. Order of Discharge Mld Oct 25, 1983	
Jan 12/83	6. Order apprv no asset report, discharging Trustee & Closing Estate	

BC 100 (10.79) United States Bankruptcy Court CHAPTER 7

BANKRUPTCY CASE DOCKET

oOo

14-A

15-A

KING, GWENDOLYN L. aka GWENDOLYN L. GREENE — SA83-01703 PF

CLAIM NO.	NAME & ADDRESS OF CLAIMANT	CLAIMS FILED & ALLOWED	REMARKS
1	DATE FILED 6-1-83 LONNIE KAPLAN & SIMA KAPLAN c/o INTEGRITY HOME LOAN CO., INC. 1313 West 8th Street Los Angeles, CA 90017	FILED $41,861.70 ALLOWED Ø	
2	DATE FILED 6-1-83 LAWRENCE S. GREENBERG,M.D., INC. c/o INTEGRITY HOME LOAN CO., INC. 1313 West 8th Street Los Angeles, CA 90017	FILED $31,075.79 Ø	SEC

16-A

Supreme Court of the United States

No. A-20

GWENDOLYN L. KING, ETC.,

Appellant,

v.

MUNICIPAL COURT OF CALIFORNIA, COUNTY OF LOS ANGELES, ET AL. (LONNIE KAPLAIN, ET AL., REAL PARTIES IN INTEREST)

O R D E R

APPENDIX 16-A

UPON CONSIDERATION of the application of ~~[illegible]~~ the appellant,

IT IS ORDERED that the time for docketing an appeal in the above-entitled case be, and the same is hereby, extended to and including September 4, 1984.

/s/ William H. Rehnquist
Associate Justice of the Supreme Court of the United States

Dated this 12th day of July, 1984.

17-A

LOCAL RULES OF COURT--CENTRAL DISTRICT OF CALIFORNIA

RULE 7 Motions and Ex Parte Applications

7.4 NOTICE AND SERVICE OF MOTION

Unless otherwise provided by rule or order of the Court no oral motions will be recognized and every motion shall be presented by written notice of motion. The notice of motion shall be filed with the Clerk and served on each of the parties...not later than twenty-one (21) days before the Motion Day designated in the notice, unless the Court orders a shorter time.

7.5 MOTION PAPERS

No motion will be considered by the Court unless it meets the requirements of Local Rule 7. On the first page of the notice of motion and every other document filed in connection with any motion, there shall be included, under the title of the document, the date and time of the motion hearing.

7.6 OPPOSING PAPERS

Each opposing party shall, not later than seven (7) days after service of the moving papers upon him, serve

LOCAL RULES OF COURT--CENTRAL DISTRICT OF CALIFORNIA

RULE 7 Motions and Ex Parte Applications

7.6 OPPOSING PAPERS (Continued)

upon all other parties and file with the clerk either (a) the evidence upon which the opposing party will rely in opposition to the motion and a brief but complete memorandum which shall contain a statement of all the reasons in opposition thereto and the points and authorities upon which the opposing party will rely, or (b) a written statement that he will not oppose the motion.

7.7 REPLY PAPERS

If the moving party so desires, he may within four (4) days after the service upon him of the opposing papers, serve and file a reply memorandum, declarations, or other evidence.

FEDERAL RULES OF CIVIL PROCEDURE

RULE 6(e) ADDITIONAL TIME AFTER SERVICE BY MAIL

Whenever a party has a right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice is served upon him by mail, 3 days shall be added...

FEDERAL RULES OF CIVIL PROCEDURE

RULE 23 CLASS ACTIONS

(c) Determination by Order Whether Class Action to be Maintained.

(1) As soon as practicable after the commencement of an action brought as a class action, the court shall determine by order whether it is to be maintained.

(2) In any class action maintained under (b)(3). the court shall direct to the members of the class the best notice practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort.

(e) DISMISSAL OR COMPROMISE

A class action shall not be dismissed or compromised without the approval of the court, and notice of the proposed dismissal or compromise shall be given to all members of the class in such manner as the court directs.

o0o

18-A3

CLOSED

JUDGMENT - FOR DEFENDANTS
FILED 4/1-1/83

2/6/84 - COURT GRANTS MOTION TO DISMISS THE COMPLAINT

ENTERED
Feb 28,1984
By Deputy
Clerk, U.S. District
Court, Central
District of Califomia

LAW OFFICES OF
CAPRICE L. COLLINS
5757 West Century Blvd
Suite 700
Los Angeles, CA 90045
(213) 642-6513

Attorney for Defendants
Lonnie Kaplan and Sima Kaplan

FILED
Feb 6, 1984
By _____ Deputy
Clerk, U.S. District Court
Central District of California

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

APPENDIX 19-A

19-A

GWENDOLYN L. KING, for herself, and on behalf of all others similarly situated; GWENDOLYN L. KING as an individual Plaintiff, Plaintiff(s), vs. The STATE OF CALIFORNIA [STATE]; the Honorable GEORGE DEUKMEJIAN, Governor of the STATE [GOVERNOR]; the Honorable MARCH FONG EU, Secretary of the STATE [SECRETARY]; the Honorable JOHN VAN DE CAMP, Attorney-General of the STATE [ATTORNEY-GENERAL]; INTEGRITY HOME LOAN CO., INC., as a de jure California Corporation dba Loan Brokers/Lenders and/or agent of corporate and individual Lenders [INTEGRITY, INC.]; PATRICK D. McCARRON as President of INTEGRITY INC.,	NO. 83-5901 R ORDER DISMISSING COMPLAINT Date: February 6, 1984 Time: 10:00 a.m. Place: U.S. Courthouse, Los Angeles, CA Courtroom 14

20-A

and as an individual [McCARRON]; JOHN M.)
PLUMMER as Vice-President of INTEGRITY)
INC., and as an individual [PLUMMER];)
R & T FINANCIAL SERVICING CO., INC., a)
Suspended California Corporation since)
12-1-81 dba a "California Corporation")
Trustee in foreclosure [R & T Co., INC.])
and as agent of INTEGRITY, INC.; THERESA)
RIVAS, President of defunct R & T)
CO., INC., and Trustee in Foreclosure,)
and as agent of INTEGRITY, INC.,)

21-A

McCARRON, PLUMMER, LONNIE KAPLAN, SIMA KAPLAN as alleged Beneficiaries of Plaintiff [Ms. RIVAS], and as an individual; RICHARD RIVAS, Vice-Pres. of defunct R & T CO., INC., and Trustee Officer, and as agent of INTEGRITY, INC., McCARRON, PLUMMER, LONNIE KAPLAN, SIMA KAPLAN as alleged Beneficiaries of Plaintiff [Mr. RIVAS], and as an individual; ADRIENNE T. RIVAS as alleged "Trustee Officer" of defunct R & T CO., INC., and as agent of INTEGRITY, INC., McCARRON, PLUMMER, LONNIE KAPLAN, SIMA KAPLAN as alleged Beneficiaries of Plaintiff [A.RIVAS], and as an individual; DENISE MEDINA as alleged "Trustee Officer" of defunct R & T CO., INC., and as agent of INTEGRITY, INC., McCARRON, PLUMMER,

22-A

LONNIE KAPLAN, SIMA KAPLAN as alleged Beneficiaries of Plaintiff [MEDINA], and as an individual; LONNIE KAPLAN, SIMA KAPLAN, husband & wife as alleged Beneficiaries under Trust Deed No. 81-1214615 recorded in Los Angeles County December 10, 1981 with defunct Trustee in Foreclosure R & T CO., INC. THERESA RIVAS, RICHARD RIVAS listed as Trustee Officers, [KAPLANS], and each in his/her individual capacity; LYNN RODRIGUEZ as "Trustee Officer" of defunct R & T CO., INC., and as agent of INTEGRITY, INC., KAPLANS, and individually, [RODRIGUEZ],

Defendants.

23-A

The Court finds:

1. Defendants, LONNIE KAPLAN and SIMA KAPLAN, filed herein their Motion to Dismiss Complaint [F.R.C.P. 12(b)(6)].

2. Plaintiffs filed with the Court no written opposition to said Motion, and failed to enter an appearance at the time and place of hearing on said Motion.

3. Upon consideration of the said Motion and good cause appearing, it is

ORDERED, that the Defendants' Motion be granted and that the complaint herein be and hereby is dismissed as to the above-mentioned moving Defendants', with prejudice.

DATED: FEB 27, 1984

MANUEL L. REAL
United States District Judge

24-A

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED
Apr 10 1984

GWENDOLYN L. KING, etc., Petitioner,	NO.84-7097
vs.	USDC Central Californ
UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA, Respondent,	NO.CV83-5901R
INTEGRITY HOME LOAN CO., INC., LONNIE KAPLAN, SIMA KAPLAN, et al Real Parties in Interest	ORDER

Before: WALLACE, ANDERSON and TANG, Circuit Judges

This petition for a writ of mandamus is denied. Petitioner may raise any assignment of district court error in CV 83-5901 in her direct appeal, King v. California, No. 84-6427, now pending before this court.

25-A

APPENDIX 25-A

IN THE UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GWENDOLYN L. KING, for herself, and on behalf of all others similarly situated; GWENDOLYN L. KING as an individual, Petitioner, v. The UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA; the Honorable MANUEL REAL, District Court Judge; LEONARD ERDSNAN, Clerk of the Court; the	CIVIL CASE NO. 84-7097 NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES [Final Order dated April 10, 1984, received April 27, 1984, attached]

26-A

APPENDIX 26-A

NOTICE OF APPEAL TO THE SUPREME COURT

OF THE UNITED STATES

Notice is hereby given that GWENDOLYN L. KING, for herself, and on behalf of all others similarly situated, GWENDOLYN L. KING as an individual, Petitioner, IN PROPRIA PERSONA, above-named, hereby appeals to the Supreme Court of the United States from the Final Order entered in the United States Court of Appeals for the Ninth Circuit, Civil Case No.84-7097 on April 10, 1984, received April 27, 1984, denying PETITION FOR WRIT OF CERTIORARI/MANDAMUS/PROHIBITION.

This Appeal is taken pursuant to Title 28, United States Code, Sections 1252, 1253, 1254(2), Rule 10(3), Supreme Court Rules.

DATED: May 8, 1984 /s/Gwendolyn L. King

27-A

IN THE SUPREME COURT

OF THE STATE OF CALIFORNIA

GWENDOLYN L. KINC aka GWENDOLYN L. GREENE aka GWEN GREENE, Petitioner, vs. The MUNICIPAL COURT OF CALIFORNIA, COUNTY OF LOS ANGELES; the Honorable CLARENCE STROMWALL, Municipal Court Judge, Respondents,	CIVIL NO. B004133 NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES [Final Order dated April 18, 1984 received April 27, 1984, attached]

28-A

APPENDIX 28-A

LONNIE KAPLAN, as alleged Beneficiaries under Deed No.81-1214615 recorded in Los Angeles County December 10, 1981 with defunct R & T FINANCIAL SERVICING CO., INC. [suspended December 1, 1981 as a "California Corporation"] Trustee in Foreclosure,

Real Parties in Interest.

29-A

Notice is hereby given that GWENDOLYN L. KING aka GWENDOLYN L. GREENE aka GWEN GREENE, In Propria Persona, above-named Petitioner, hereby appeals to the Supreme Court of the United States from the Final Order entered in the Supreme Court of the State of California, Civil Case No.B004133, entered April 18, 1984, received April 27, 1984, denying Hearing after Judgment by the Court of Appeal of the

State of California, Second District, Division 1, Case No.B004133, IN BANK, /s/Rose Bird, Chief Justice of the Supreme Court of California. A copy of the above-said Order dated April 18, 1984 is attached. This Appeal is taken pursuant to 28 USC 1257(2), Rule 10(3), Supreme Court Rules.

DATED: May 8, 1984

Gwendolyn L. King

GWENDOLYN L. KING, etc.
Petitioner IN PROPRIA PERSONA

Business Address
1509 North Main Street
Suite B118
Santa Ana, California 92701

30-A

ORDER DENYING HEARING

AFTER JUDGMENT BY THE COURT OF APPEAL

2nd District, Division 1, No.B004133

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

IN BANK

Supreme Court
FILED
Apr 18, 1984
LAWRENCE P. GILL, Clerk
DM, Deputy

GWENDOLYN L. KING, Petitioner,

v.

MUNICIPAL COURT OF THE COUNTY OF LOS ANGELES,
Respondents;

LONNIE KAPLAN, SIMA KAPLAN,
Real Party in Interest.

Petition for hearing DENIED. /s/Bird, C.J., Chief Justice

CONSTITUTION OF THE UNITED STATES

PREAMBLE

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I. LEGISLATIVE DEPARTMENT

Section 1. Congress

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

ARTICLE I. LEGISLATIVE DEPARTMENT

Section 8. Powers Granted to Congress

4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

9. To constitute tribunals inferior to the Supreme Court;

ARTICLE III. JUDICIAL DEPARTMENT

Section 1. Judicial Powers Vested in Federal Courts

The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The Judges, both of the Supreme Court and Inferior Courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

Section 2. Jurisdiction of United States Courts

1. The judicial power shall extend to all cases, in law and equity arising under this Constitution, the laws of the United States, and...--to controversies to which the United States shall be a party;...and between a State, or the citizens thereof...

ARTICLE VI. GENERAL PROVISIONS

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the Judges in every State shall be bound thereby anything in the Constitution or laws of any State to the contrary notwithstanding.

CONSTITUTION OF THE UNITED STATES

AMENDMENT I

Restrictions on Powers of Congress

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peacably to assemble, and to petition the Government for a redress of grievances.

AMENDMENT IV

Seizures, Searches and Warrants

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

CONSTITUTION OF THE UNITED STATES

AMENDMENT V

Criminal Proceedings and Condemnation of Property

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury...nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT VI

Mode of Trial in Criminal Proceedings

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be

confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense,

AMENDMENT VII
Trial by Jury

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

AMENDMENT XIV
Citizenship

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

FEDERAL RULES OF CIVIL PROCEDURE

RULE 54. JUDGMENTS

(b) Judgment Upon Multiple Claims or Involving Multiple Parties.

When more than one claim for relief is presented in an action, whether as a claim, counterclaim, cross-claim, or third-party claim, or when multiple parties are involved, the court may direct the entry of a final judgment as to one or more but fewer than all of the claims or parties only upon an express determination that there is no just reason for delay and upon an express direction for entry of judgment. In the absence of such determination and direction, any order or other form of decision, however designated, which adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties shall not terminate the action as to any of the claims or parties, and the order or other form of decision is subject to revision at any time before the entry of judgment adjudicating all the claims and the rights and liabilities of all the parties.

APPENDIX 39-A

FEDERAL RULES OF CIVIL PROCEDURE

RULE 60
RELIEF FROM JUDGMENT OR ORDER

(b) Mistakes; Inadvertance; Excusable Neglect; Newly Discovered Evidence; Fraud, etc.

On motion and upon such terms as are just, the court may relieve a party or his legal representative from a final judgment, order, or proceeding for the following reasons:

(1) mistake, inadvertance, surprise, or excusable neglect;

(2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b);

(3) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party;

(4) the judgment is void;

(5) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application; or

(6) any other reason justifying relief from the operation of the judgment. The motion shall be made within a reasonable time, and for reasons (1), (2),

and (3) not more than one year after the judgment, order, or proceeding was entered or taken. A motion under this subdivision (b) does not affect the finality of a judgment or suspend its operation. This rule does not limit the power of a court to entertain an independent action to relieve a party from a judgment, order, or proceeding, or to grant relief to a defendant not actually personally notified as provided in Title 28 USC 1655, or to set aside a judgment for fraud upon the court...and the procedure for obtaining any relief from a judgment shall be by motion as prescribed in these rules or by an independent action.

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